MICRONESIAN POSITION PAPER
ON THE
LAW OF THE SEA

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The Preliminary Micronesian Position

In 1972, the Fourth Congress of Micronesia, Second Special Session, enacted Public Law 4C-92. This Act created a Joint Committee on the Law of the Sea. It was this Committee's intent to claim jurisdiction over a portion of the seas adjacent to the Micronesian Islands consistent with the political, cultural, and economic realities of an island nation that may be realized within the next five years if district unity prevails after the dissolution of the present political and strategic arrangement of culturally distinct island groups.

The Congress of Micronesia authorized the Joint Committee to define the specific terms of that claim and directed the members to meet with representatives from the U. S. Department of State to determine if they were able and willing to adequately represent the interest of Micronesia at the 1974 United Nations Law of the Sea Conference in Caracas, Venezuela. The Congress also authorized the Committee to seek independent standing at the Conference in the event the United States was unwilling or unable to adequately represent Micronesia at the Conference. Furthermore, the Congress directed the Committee to continue its research on international laws and treaties applicable to Micronesia, and to submit a report to the Fifth Congress of Micronesia at its Second Regular Session in 1974. This report led to the drafting of Senate Joint Resolution No. 40 in the Fifth Congress of Micronesia.

The Joint Committee recommended the claim of a broad territorial sea, as being in the best interests of Micronesia, a developing island nation state. The Committee considered various alternatives available to Micronesia in defining its territorial sea. They were:

ABSTRACT

The Micronesia Joint Committee of the Congress of Micronesia (U. S. Trust Territory of the Pacific Islands) to the Law of the Sea Conventions held recently in Caracas, Venezuela, and Geneva, Switzerland, expressed a clear and consistent "coast state" attitude (as opposed to a "maritime" predisposition) toward their adjacent ocean space regime. These delegates unanimously agreed that, whether Micronesia's future be as separate districts or as a unified entity (Federated States of Micronesia), they all wanted to stake their economic claim on a broad sea position. It was their contention that there is to date no rule of international law governing the permissible breadth of the territorial sea or of an exclusive economic zone nor is there a rule prohibiting the use of straight baselines in establishing the territorial and internal waters of a mid-ocean archipelago. Therefore, the Committee has acted in accord with international law in advancing Micronesia's ocean jurisdictional policy. Sovereignty over a broad ocean area was deemed to hold the greatest economic potential for Micronesia. Furthermore, the mandate given the Joint Committee was considered to be consistent with the political, cultural and economic realities and aspirations of this developing island nation (state(s).

1. A claim of a 200-mile territorial sea (economic zone) around the islands of Micronesia. Using this alternative, a vast area would be claimed and there would be no gaps between islands which would be international waters.

2. A territorial sea defined on the basis of the archipelago theory of an ocean space regime. Using this theory the outermost islands of Micronesia of a given island group would be connected by straight baselines and all of the sea within those lines would be considered Micronesia's internal waters. More specifically, the waters encompassed by the Micronesian archipelago would consist of all waters within straight baselines connecting the outermost islands, barrier reefs, fringing reefs, or other reef systems measured at the low-water line. Micronesia's territorial sea would consist then of all waters adjacent to the Micronesian archipelago lines defining and encompassing the archipelago. This method of defining territorial sea would give Micronesia jurisdiction over considerably less ocean than would a claim of a 200-mile territorial sea, but would still give Micronesia substantially more than it now enjoys.

3. A territorial sea defined by the boundary lines usually found on the political, military maps of Micronesia. These lines were apparently used by the U. S. Navy prior to the invasion of Micronesia during World War II. If Micronesia claimed all waters within those lines as its territorial sea, Micronesia would have resource jurisdiction over even greater areas of the sea than if it claimed a 200-mile limit. Because of the extensive breadth and nature of this claim, however, the Committee believed that Micronesia would have a great deal of difficulty in obtaining its international recognition.

After a thorough review of international conventions of the sea, the Joint Committee promulgated the position that Micronesia may legally use straight baseline to enclose the internal waters of her archipelago. It was their contention that the Micronesia position is reasonable since many nations either claim or support the right of other states to jurisdiction over broad areas adjacent to their coasts. A substantial number of the archipelagic states of the worldapply straight baselines drawn between their islands in establishing their internal waters. For example, Cuba, Denmark, Norway, Saudi Arabia, Sweden, and Yugoslavia all use straight baselines drawn along outermost islands of their coastal archi-

pelagoes to enclose their internal waters. The Philippines, Indonesia, Fiji, and Mauritius all apply the straight baseline method in delimiting the waters of their mid-ocean archipelagoes. Chile, New Zealand, Australia, Greece, Peru, and El Salvador express sympathy and support to these claims. The Maldives also apply a modified archipelagic concept to their mid-ocean archipelago. Therefore, Micronesia has support from other coastal states of the developing nations whose interests favor broad claims of territorial sea. Moreover, in the case of Micronesia there has been significant historical precedent for its waters being subject to the jurisdiction of the colonial powers controlling the land and the sea.

The Joint Committee's position concerning sea-lanes and corridors was that air and sea transportation through the Micronesia archipelago shall not be unreasonably hindered. The Congress of Micronesia reserves the right to designate sea-lanes through and air corridors over the archipelago, across which vessels and aircraft may freely travel. Until such time as the Congress shall designate sea-lanes and air corridors, ships shall be permitted to exercise the right of innocent passage as generally defined and understood in international law as if the waters of the archipelago were territorial sea; and overflight shall be permitted subject to the same conditions under which it is now permitted.

It has been the position of the Joint Committee to exercise exclusive jurisdiction over all resources, both living and non-living, and including the resources of the seabed and its subsoil within the waters adjacent to the Micronesian archipelago to a distance 200 nautical miles outward, measured from the outer boundaries of the territorial sea. The right of innocent passage (continuous and expeditious transit) by

ships (submarines and other undersea vehicles not mentioned) shall not be restricted in any manner nor shall air traffic (no distinction made between civilian/commercial and military/governmental vessels and aircraft). This lack of detail on conditions was also revealed in the discussion of the territorial sea. Also, the Congress of Micronesia will not reserve the right to designate sea-lanes and air corridors through the exclusive resource (economic) zone. The authority over artificial islands or platforms was omitted.

The Joint Committee agreed in principle with the concept of conservation of the living resources of the sea, and supported efforts to avoid pollution of the oceans. The Joint Committee felt that international standards should be devised to deal with these two problems. National, regional and international mechanisms for control and cooperation were not specified for ocean pollution.

The Joint Committee supported the principle that there should be maximum utilization of the world's fishery resources consistent with sound conservation practices. The Committee also accepted the position that less than optimum utilization of fishery resources should not be permitted as long as starvation and famine exist in the world.

It was also recognized that the Micronesian fishing industry is not presently capable of harvesting its fishery resources to the optimum level within its internal waters, territorialsea, and exclusive resource (economic zone). Micronesia, they proposed, should have exclusive jurisdiction over all species (including migratory species) of fish within their archipelago and within a 200-mile band around their archipelago; that is, preferential allocation rights and exclusive

management control (either inter-island or on a more centrally controlled basis) of all species of fish found within its territorial seas and exclusive resources (economic) zone. Moreover, any sort of international fishery organization which is based on the species approach would have to recognize Micronesia's exclusive right to all fish within its resource jurisdiction and should not directly or indirectly limit the expansion of the fishing industries of this developing nation. Historic fishing rights of foreign nations would not be recognized within Micronesia's internal territorial sea, and exclusive resource (economic) zone. To insure this, the Joint Committee asked that a licensing system, subject to rules, regulations, and fees established by the Congress of Micronesia, should be implemented, whereby foreign fishing vessels would be permitted to harvest that portion of the fishing resource which the Micronesian fishing industry is incapable of harvesting. A reevaluation of the capability of the Micronesian fishing industry should be made each year, and as the industry expands, the number of licenses issued to foreign vessels should decrease proportionally. There was no investigation into the possibilities of technology transfer.

Micronesia has no continental shelf of any consequence, and probably has no continental margin at all because of the extremely steep slopes of the bases of its 2,200 islands. The seabed, its subsoil and submarine areas of Micronesia would most likely be based on the distance criterion of 200 nautical miles measured from the baselines by which the breadth of the territorial sea was established. The Joint Committee, however, did not specify the extent of its seabed authority, although the 200-mile limit corresponding to the superjacent waters is implied.

The Joint Committee most likely recognized the "Common Heritage of Mankind" doctrine and would support an international authority to oversee its management; however, it did not elaborate on this critical issue. Nor did it consider in any detail such other major issues as access to geographically disadvantaged nations, scientific research, technological transfer, and the settlement of disputes (especially in overlapping boundary cases). There was also no mention of control over the laying of undersea cables and pipelines, and the authority over the establishment, operation and maintenance of fixed artificial islands or platforms for exploitative or non-exploitative purposes.

The Micronesian Official Position

During its first regular session in 1975, the Sixth Congress of Micronesia dissolved the Joint Committee on the Law of the Sea, and by enactment of Public Law No. 6-3, created the Micronesian Delegation to the United Nations Law of the Sea Conference and gave as its mandate the responsibility to represent Micronesia at the United Nations Law of the Sea Conference in a manner consistent with the Senate Joint Resolution No. 80 adopted by the Second Regular Session of the Fifth Congress of Micronesia.

The Micronesian position on the Law of the Sea as ratified by the Congress of Micronesia during the 1974 Regular Session by Senate Joint Resolution No. 80, proclaims Micronesia to be an archipelagic state permitting the drawing of baselines connecting the outermost islands, and claiming internal sea jurisdiction within those baselines and a 200-mile economic zone measured outward from the baselines. This is still the position being pursued. However, it appears unlikely that Micronesia will achieve international acceptance of its own archipelago position. The Delegation has, therefore, begun focusing its attention on the 200-mile economic zone concept in an attempt to tailor it to fulfill Micronesian resource interests. The area which would be covered by the 200 mile exclusive economic zone would give Micronesia substantially the same area as the archipelago approach, and if adopted by the Conference would achieve Micronesia's primary goal, the acquisition of resource jurisdiction in the area surrounding its islands.

The following four resolutions are in addition to the Preliminary Micronesian position:

1. The Elected representatives of Micronesia, that is the Congress of Micronesia, have the authority to exercise and dispose of the resource rights confirmed by or arising from the treaty, with respect to Micronesia's territory;

2. The United States should support a provision in the treaty permitting U. N. Trust Territories to become parties to the treaty, and to support Micronesian access to the dispute settlement procedure;

3. Micronesia represents itself in international negotiations respecting resource rights arising from this and other Law of the Sea treaties, including, for example, full participation as the voting representative for Micronesia in any existing or future regional and international fishery organizations, and in the negotiation and conclusion of bilateral and multilateral agreements implementing Law of the Sea treaties, or making fishery and other resource agreements on the basis of such treaties in international or domestic law;

4. If the privileges of treaty adhesion, including access to dispute settlement machinery, are made available to Micronesia solely because of its current character as a U. N. Trust Territory, the lawful successor entity or entities shall continue to have such rights, and that such succession of rights shall be appropriately safeguarded in the treaty if possible, and by the agreement between the United States and Micronesia in any event.[2]

OFFICIAL POSITION TOPICS

Observer Status for Micronesia

The Joint Committee attended the 1974 session of the Conference in Caracas, Venezuela, as part of the U. S. Delegation; however, the Committee was able to obtain observer status at the Geneva Conference the following year. The Micronesia Delegation was then better able to represent Micronesian interest because it was able to participate in all activities of the Conference. The Delegates had the right to circulate position papers, participate in debate, negotiate with other countries, and they also had access to Conference official papers or documents. They did not have the right to vote, however. Voting, by the rules of the Conference, can only be exercised by a sovereign state.

Full Exclusive Economic Zone and the Archipelago Issue

The Micronesian position fully supported a full 200-mile economic zone for islands, regardless of size or extent of habitation. It was decided by the Committee that this economic zone concept be fully explored since the acceptance of an archipelagic doctrine for Micronesia by the world community appeared doubtful. The Committee, therefore, focused its attention on the exclusive economic zone that would give Micronesia substantially the same area as the archipelago approach. This alternative would make it possible for Micronesia to realize its primary goal of acquisition of resource jurisdiction in the surrounding islands. Whether all islands in Micronesia will be entitled to a full exclusive economic zone will depend on how island is defined in a final Law of the Sea Treaty.

The archipelagic claim is still, however, an important part of the official Micronesian position. However, the United States and a few other large countries have attempted to limit the definition of an archipelago, so that very few island states could qualify. The reason is that it would be a threat to their resource and military operations. Also, Micronesia water/land ratio is much greater than nine-to-one and its baselines are often greater than 125 nautical miles which is contrary to the criteria set forth in the 1975 Geneva Convention.

Territorial Seas Definition and Measurement

Through the Oceania Group, the Joint Committee introduced draft articles that proposed measurement of the territorial sea of an atoll or high island with a fringing or barrier reef from the contour of the reef system rather than from low-tide elevations. In other words, the baselines for measuring the breadth of the territorial sea would be the seaward edge of the reef, as shown by appropriate symbols on official charts recognized by Micronesia. A breadth of 12 nautical miles was entertained.

Other Activities of the Micronesian Delegation - The Oceania Group, FAO and CCOP

During the 1974 Caracas Session of the Conference, Micronesia, through the Joint Committee on the Law of the Sea, participated in an effort to organize the Pacific island entities participating in the Conference into a more formal organization known as the Oceania Group,

through which their common interests could be advanced and protected. This Group consisted of Micronesia (U. S. Trust Territory of the Pacific Islands), Tonga, Fiji, Papua-New Guinea, Australia, New Zealand and Western Samoa.

At the 1975 Geneva Session, the Oceania Group achieved status as one of several regional groups recognized by the Conference. It gave the Micronesian Delegation an excellent opportunity to work with representatives from other Pacific island states on problems of mutual concern. Such an affiliation may make possible the enactment of future uniform Law of the Sea legislation that would be of mutual benefit.

During the Caracas Session, the Joint Committee initiated contact with representatives of FAO, and requested their assistance in developing fishery master plan for Micronesia. In Geneva, the Joint Committee continued its contact with FAO. FAO offered to provide its expertise as soon as Micronesia was ready to proceed with a fishery program.

At Geneva, contact was made with the Committee for Coordination of Joint Prospecting (CCOP). CCOP is an inter-governmental technical body established in 1966 under the aegis of the United Nations Economic Commission for Asia and the Far East (ECAFE). The CCOP offered two kinds of technical services (1) research and analysis of basic knowledge relating to exploring and exploiting undersea mineral deposits, and (2) technology communicating new knowledge and skills to member nations, known in today's development jargon as "transfer of technology" to developing countries. CCOP also promotes research and offers advisory services in fields such as marine geology and environmental problems of offshore mining operation; compiles maps of offshore geology

(submarine geology and geomophology); issues technical journals; initiated and supports offshore mineral surveys; arranges fellowships, tours and training programs for government offices and scientists; provides advice on legislation for offshore development and on offshore boundary problems. Its funding comes from member governments, the United Nations Development Programs (UNDP) and other industrialized countries.

Two items of particular interest to the Joint Committee were: (1) Investigation of Sub-Seafloor Mineral Deposits and Fluids, and (2) Review of Agreement Expected to be Reached by the United Nations' Conference on the Law of the Sea. Documents submitted to the Committee by its members which relate to these items were reviewed by the Committee. Such investigations are vital to a well managed exploration and exploitation venture into the Micronesian seabed regime.

Micronesian Constitutional Convention (Con Con 1975)

The provisions of the draft Constitution were very supportive of Micronesia's Law of the Sea effort. The territorial boundaries provision of the Constitution was consistent with the Joint Committee's Law of the Sea position and also contained sufficient flexibility that made it adaptable to the likely outcome of the Conferences. The provision declaring the Constitution to be the supreme law of the land was a major step toward the acquisition of recognition as a "state under international law, which if acquired, would entitle Micronesia (Federated States of Micronesia) to full rights under a Law of the Sea

Treaty, and, equally importantly, the ability to exercise its Law of the Sea rights in international forums and dispute settlement tribunals.

The Highly Migratory Species (Tuna) Issue Within the Economic Zone

The Micronesian position supported any suggestion which would (a) insure that the coastal state has a preferential right to tuna within its economic zone to the full extent of its harvesting capacity, (b) insure that the coastal state will be paid a reasonable fee for tuna caught by foreign vessels within its economic zone, (c) insure that foreign fishing will not interfere with the coastal state's preferential right, and (d) encourage conservation of tuna so as to insure perpetuation of the various stocks at the level of the maximum sustainable yield.[3]

The Delegation has supported draft articles calling for the establishment of regional fishery organizations to observe and regulate tuna on the conditions that the coastal state retained the power to regulate tuna within its own zone in the absence of a regional fishery organization, and the structure of the organization was not such as to be weighted against coastal state interests in favor of distant water fishing state interests.

The "Single Negotiating Text" supported Micronesia's fishery position on tuna, as well as most other issues. Except for the requirement to cooperate with other states in international or regional fishery organizations to ensure proper conservation and management of tuna, Micronesia would have exclusive jurisdiction over all living resources within economic zone. The Micronesian Joint Committee on the Law of the Sea has proposed that this jurisdiction include:

(a) the right to determine the allowable catch of the living resources in the exclusive economic zone;

(b) determining their own harvesting capabilities to harvest the living resources of the exclusive economic zone;

(c) granting of access to other states in their economic zone;

(d) licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal states, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;

(e) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any state during a specified period;

(f) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the numbers, sizes and types of fishing vessels that may be used;

(g) fixing the age and size of fish and other species that may be caught;

(h) specifying information required of fishing vessels, including catch and efforts statistics and vessel position reports;

(i) requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;

(j) the placing of observers or trainees on board such vessels by the coastal state;

(k) the landing of all or any part of the catch by such vessels in the ports of the coastal state;

(l) terms and conditions relating to joint ventures or other cooperative arrangements;

(m) requirements for training personnel and transfer of fisheries technology, including enhancement of the coastal state's capability of undertaking fisheries research; and

(n) enforcement procedures.[4]

Executive Committee of the Trust Territory District Fishing Authorities

The Micronesian Delegation to the Law of the Sea requested support and cooperation from the Executive Committee of the six District Fishing Authorities in an effort to develop the ocean resources of Micronesia. Both bodies have recommended to the Congress of Micronesia that a moratorium on granting and issuing of business permits by the Economic Development Boards of each district to foreign fishing businesses be imposed by the Congress. Moreover, they supported the idea that information be made more readily available to the general public.

Furthermore, both groups strongly felt that the key to the economic future of Micronesia rested to a great extent with the Law of the Sea, and, that in turn, Micronesia's economic potential dictates its future political alternatives; of "free association" or "independence". Micronesia's economic ocean resource interests focus on fisheries, mainly tuna. It is the most valuable resource Micronesia has commercially available at the present time. However, at present, Micronesia gains little benefit from tuna harvesting. Presently, approximately 75 to 100 million dollars worth of fishery resources (tuna) alone are being exploited in Micronesian waters each year by foreign nationals like the Japanese, Koreans, Okinawans and Taiwanese.[5] In addition, there may be great future potential for exploitation of sea-bed manganese nodules, and the possibility exists that there are petroleum deposits within Micronesian waters as well. Needless to say, Micronesians would like to control or regulate such money-making activities. Hopefully, a treaty will be concluded in the near future that will make it possible for converting Micronesian sea resource potential into the

foundation for a self-reliant Micronesian economy. A Five-Year Indicative Economic and Social Development Plan for Micronesia calls for ocean resource development as a major priority.

The present political situation and probable future outlook relating to the Free Association Draft Compact, however, would seem to give offshore rights to the United States, along with responsibility for foreign affairs and military security. Many Micronesians want a change in the Compact of Free Association that will recognize Micronesian rights to the offshore waters, but rely on the U. S. military, particularly the Coast Guard, to help police them -- no small job considering the three million square miles of water encompassed by the Trust Territory.

Thus a relationship exists between the Law of the Sea issue and the Draft Compact of Free Association. At present, the Compact does not grant Law of the Sea powers to Micronesia (Congress of Micronesia), but gives it to the U. S. Government. To date, Micronesian wishes to have control over the 200-mile exclusive economic zone have not been included under the foreign affairs provisions of the Draft.

Recent Developments (1976 to the present)

Micronesian Law of the Sea plenary sessions were held in Truk, while U.N. Law of the Sea conferences continued in Geneva and New York. The Micronesians met to formulate and develop a unified position on the Law of the Sea for the future island nation of Micronesia based on the more recent international conventions. They formed three working groups to consider pertinent international issues applicable to Micronesia.

That is, they discussed U.N. Conferences on the Law of the Sea, the historical background, issues and problems which directly affect Micronesia, U. S. domestic laws and foreign policy, and, finally, Micronesia's position on ocean law and politics.

The measure S.B. 6-412 that called for elected leaders and traditional chiefs from each district of the Trust Territory to formulate a unified sea position became Trust Territory Public Law No. 6-139 (P.L. 6-139). Its findings were transmitted to the Congress of Micronesia in Saipan for review. The Congress, in turn, relayed the resolutions to the U.N. Third Law of the Sea Conferences.

Resource materials handed out at this twenty-day meeting included reports on the work of the Congress of Micronesia's Joint Committee on the Law of the Sea, from its inception to date; issues on a world-wide basis concerning ocean resources and, the Joint Committee's work and findings while attending international conferences in Caracas, Geneva and New York under observer status. Specifically, these Micronesian workshops studied the financing of the proposed International Sea-bed Authority and its operating arm, known as the Enterprise. The working groups have proposed an offshore assessment of Micronesia. Questions involving global and regional pollution of the marine environment, research and development of ocean technology, technology transfer, regional fishery management and conservation schemes and associated boundary conflicts, and procedures for the settlement of disputes (conciliation, negotiation, arbitration, and adjudication) were addressed.

The recent declaration by the U. S. Congress claiming its own 200-mile economic zone has been viewed as a major reason why Micronesia should maintain a unified position on the sea resource issue. This new

law that was put into effect on March 1, 1977 permits control over all fish in its zone, except highly migratory species of tuna. At the international meetings, the majority of nations favored coastal state control over tuna resources. The Micronesian position was in harmony with the majority world view. The United States refuses to recognize control over tuna by all other countries of the world because of its vested interests in distant-water, tuna fisheries.

The United States has been unwilling to set a date to discuss the 200-mile proposal for Micronesia that was brought out during the Future Political Status and Transition Negotiations on Saipan, Marianas during May 1976. An attempt by the Congress of Micronesia in early February 1977 to enact a 200-mile exclusive economic zone for Micronesia was vetoed by the U.S. High Commissioner of the Trust Territory (executive head of the Administering Authority. The bill was vetoed because the Congress of Micronesia did not incorporate into it amendments and suggestions from the administration and directly from the U. S. Government particularly over the Congress of Micronesia's authority to approve international agreements as well as the jurisdiction over highly migratory tuna. In late February, however, island lawmakers overrode the veto and the matter now rests with the U. S. Department of the Interior. Thus far, no official announcement has been issued by the Interior Department.

The Micronesian Constitution, written in 1975 on Saipan, provided that the people of Micronesia will control the ocean resources within the 200-mile economic zone. And, regardless of the possible future changes in the provisions of the document, it can give Micronesian

Governmental entities sufficient legal status to be recognized by the rest of the world as having full right to the resources in waters guaranteed in the Charter of the United Nations Trusteeship Agreement of 1947.

Delegates to the Micronesian and international meetings and conferences are aware that a united front on their proposed ocean politics could make the islands one of the largest single exclusive ocean resource zones in the world. Such a zone could prove to be an invaluable asset for a territory such as Micronesia, which is now overly dependent on the United States for survival. The United States is aware of this potential for economic self-sufficiency and what it could mean for the islands' collective, or separate effort towards more self-government and self-reliance. However, it has become apparent, especially in light of recent events, that the United States is not willing to grant Micronesia the necessary support in certain important economic ventures. Micronesian interests and those of the United States are not always the same. In fact, quite often, they have been diametrically opposed to each other.

In conclusion, Micronesians must be assured that rights acquired by their elected officials under an international ocean law treaty actually accrue to the benefit of Micronesia and not to the United States Government. The United States and certain other countries will strongly oppose specific provisions of international ocean law affecting Micronesia. Therefore, Micronesian Delegates must focus their attention on the practical problems involved in acquiring and exercising the rights to be conferred by such a treaty. First of all, they must

separate the rights, if any, of the United States in Micronesia's sea from those of Micronesia under the Trusteeship as well as under any of the various future political status alternatives. Secondly, they must acquire and maintain the right to assert Micronesian interests internationally through representatives in negotiations, dispute settlement tribunals, etc. This is both a Law of the Sea problem and one of political status.

FOOTNOTES

[1]Congress of Micronesia. Interim Report of the Joint Committee. January 1, 1973, pp. 33-34.

[2]_____, Law of the Sea 1975 Report. January 1, 1976, pp.25-26.

[3]Ibid., pp.8-9.

[4]Ibid., pp.10-11.

[5]Ibid., p.26.

APPENDIX

MICRONESIAN LAW OF THE SEA POSITION CONSISTENT WITH INTERNATIONAL LAW

1. Sources of International Law

    a. international conventions

    b. international custom and practice

    c. general principles of law recognized by civilized nations

    d. judicial decisions and precedents

2. Historical Analysis

    a. Mare Clausum Principle (Papal Bulls, 1493) versus Mare Liberum (Hugo Grotius, 1609)

    b. De domino Maris (1702)

    c. Institut de Droit International (1889 and 1929)

    d. American Institute of International Law (1924)

    e. Hague Codification Conference (1930)

    f. International Law Commission (1956)

    g. UNCLOS (Geneva 1958 and 1960)

    h. UNCLOS (Caracas, 1974)

    i. UNCLOS (Geneva 1975 and New York 1976)

Expansion of U. S. Jurisdiction

U. S. Anti-smuggling Act (1935)
Truman Proclamation (1945)
Inter-American Treaty of Reciprocal Assistance (1947)
Fishery Conservation and Management Act of 1976 (200-mile exclusive economic (fisheries resource) zone or extended jurisdiction of the fishery conservation zone

Other Developments in the Expansion of Coastal (Riparian) States' Jurisdiction

Anglo-Norwegian Fisheries Case (1951)
Various unilateral actions or claims

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